

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENNETH GREENE,
Plaintiff

v.

CITY OF PHILADELPHIA and
JOHN/JANE DOES #1-10,000,
Defendants

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CIVIL ACTION

NO. 11-5356

ORDER

AND NOW, this 26th day of September 2012, upon consideration of Defendant's Motion to Dismiss and the opposition thereto, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that the Motion is **DENIED** as to claims in Count I for racial discrimination based on hostile work environment and in Count II for retaliation for assertion of First Amendment rights. In all other respects the Motion is **GRANTED WITHOUT PREJUDICE**.

It is further **ORDERED** that paragraphs 11.a. and 11.c. of the First Amended Complaint are **STRICKEN**.

It is further **ORDERED** that Plaintiff may file a Second Amended Complaint within 21 days of the date of this order.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.